

Remarks

Favorable reconsideration of his application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Claims 1-23 and 25-50 are currently pending in the application; Claims 22, 25, 40, and 41 having been amended, Claim 24 having been canceled without prejudice or disclaimer, and new dependent Claims 42-50 having been added, by way of the present response. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.

In the outstanding Office Action Claims 1-41 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,289,247 to Takano et al. (Takano). Applicants respectfully request that the rejection of the claims be withdrawn for the following reasons.

The present invention is directed to a fixing device (e.g., as recited in independent Claims 1 and 22) as well as an image forming apparatus including the fixing device (e.g., as recited in independent Claim 40). Independent Claim 1 recites that in the image forming apparatus including the fixing device configured to fix a toner image on a sheet with heat at a nip between a fixing member accommodating a heat source and a pressing member not accommodating a heat source, consecutive sheets are driven out of the fixing device at a variable interval without a number of sheets to be output within a preselected period of time being varied. Independent Claim 22 recites that in the image forming apparatus including the fixing device configured to fix a toner image on a sheet with heat at a nip between a fixing member accommodating a heat source and a pressing member not accommodating a heat source, when the nip coincides with an interval between a trailing edge of a preceding sheet and a leading edge of a following sheet, drive of the fixing member is temporarily stopped for a variable interval without varying a number of sheets to be output within a preselected

period of time. Independent Claim 40 recites that in a fixing device for fixing a toner image on a sheet with heat at a nip between a fixing member being heated and a pressing member not being heated, the fixing member includes a heat roller accommodating a heat source. The heat source includes a heater configured to selectively generate heat at a center portion and end portions.

Regarding the rejection of independent Claim 1, Applicants respectfully assert that Takano does not teach or render obvious the claimed features of consecutive sheets driven out of a fixing device at a variable interval without a number of sheets to be output within a preselected period of time being varied, as recited in the independent claim. Rather, Applicants respectfully assert that Figure 10 of Takano at most shows a fixing device operating with a constant non-passage time (i.e., a time for temporarily stopping continuous paper feeding) of 90 seconds provided at constant intervals of 24 sheets.¹

Specifically, independent Claim 1 recites “consecutive sheets are driven out of said fixing device at a variable interval without a number of sheets to be output within a preselected period of time being varied.” Thus, Applicants respectfully request that the rejection of independent Claim 1 under 35 U.S.C. § 102(b) be withdrawn, and the allowance of independent Claim 1.

Regarding the rejection of independent Claim 22, Applicants respectfully assert that Takano does not teach or render obvious the claimed features of a drive of a fixing member temporarily stopped for a variable interval without varying a number of sheets to be output within a preselected period of time, as recited in the independent claim. Rather, as discussed above, Applicants respectfully assert that Figure 10 of Takano at most shows the fixing device stopping for the constant time period at the constant interval.

¹ Column 8, lines 35-55.

Specifically, independent Claim 22 recites “drive of said fixing member is temporarily stopped for a variable interval without varying a number of sheets to be output within a preselected period of time.” Thus, Applicants respectfully request that the rejection of independent Claim 22 under 35 U.S.C. § 102(b) be withdrawn, and the allowance of independent Claim 22.

Regarding the rejection of independent Claim 40, Applicants respectfully assert that Takano does not teach or render obvious a heater configured to selectively generate heat at a center portion and end portions. Rather, Applicants respectfully assert that contrary to the Office Action’s assertions, Takano does not show or state a heater 52 selectively generating heat at center and at end portions, but rather states that the heater 52 is driven to achieve a predetermined set temperature or a stand-by temperature.²

Specifically, independent Claim 40 recites “a heater configured to selectively generate heat at a center portion and end portions.” Thus, Applicants respectfully request that the rejection of independent Claim 40 under 35 U.S.C. § 102(b) be withdrawn, and the allowance of independent Claim 40.

Applicants respectfully assert that Claims 2-21, 23, 25-39, and 41 are allowable for the same reasons as independent Claims 1, 22, and 40 from which they depend, as well as for their own features. Thus, Applicants respectfully request that the rejection of dependent Claims 2-21, 23, 25-39, and 41 under 35 U.S.C. § 102(b) be withdrawn, and the allowance of dependent Claims 2-21, 23, 25-39, and 41.

Applicants respectfully assert that new Claims 42-50 are allowable for the same reasons as independent Claims 1, 22, and 40 from which they depend, as well as for their own features. Thus, Applicants respectfully request the allowance of new dependent Claims 42-50.

² Column 3, lines 41-60.

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Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-23 and 25-50 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 24,913
Attorney of Record

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Philip J. Hoffmann
Registration No. 46,340

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